

LEWIS
ANDROCA
LLP

LAWYERS

E-Filed on 3/13/07

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

40 North Central Avenue, Suite 1900
Phoenix, Arizona 85004-4429
Facsimile (602) 734-3824
Telephone (602) 262-5756

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 0065934
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC, Debtors.

Affects:

- × All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

MOTION FOR ORDER REQUIRING MEIER & FINE, LLC TO PRODUCE ONE OR MORE CORPORATE REPRESENTATIVES FOR EXAMINATION PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the "Movant") hereby moves this Court for an order requiring Meier & Fine, LLC ("Meier & Fine") to produce one or more corporate representatives, as set forth in subpoenas issued under Federal Rule of Bankruptcy Procedure 9016, to appear for

1 examination at the law office of Lewis and Roca, LLP, 3993 Howard Hughes Parkway,
2 Suite 600, Las Vegas, Nevada 89169, on a business day no earlier than ten (10) business
3 days after the filing of this Motion and no later than April 30, 2007, or at such other
4 mutually agreeable location, date, and time, and continuing from day to day thereafter
5 until completed.

6 This Motion is further explained in the following Memorandum.

7
8 **Memorandum**

9
10 The Movant seeks information concerning legal services performed by Meier &
11 Fine on behalf of USACM, the other debtors in the above-captioned cases (together with
12 USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise
13 related entities. The Movant seeks this information to assist in the collection of the assets
14 and the investigation of the liabilities of the Debtors.

15 The requested discovery from Meier & Fine is well within the scope of examination
16 permitted under Bankruptcy Rule 2004, which includes:

17 [t]he acts, conduct, or property or . . . the liabilities and financial condition
18 of the debtor, or . . . any matter which may affect the administration of the
19 debtor’s estate, or to the debtor’s right to a discharge. In a . . .
20 reorganization case under chapter 11 of the Code, . . . the examination may
21 also relate to the operation of any business and the desirability of its
22 continuance, the source of any money or property acquired or to be acquired
23 by the debtor for purposes of consummating a plan and the consideration
24 given or offered therefore, and any other matter relevant to the case or to the
25 formulation of a plan.¹

26 **Conclusion**

Accordingly, the Movant requests that this Court enter the form of order submitted
with this Motion.

¹ FED.R. BANKR. P. 2004(b).

LEWIS
AND
ROCA
LLP
LAWYERS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Dated: March 13, 2007.

LEWIS AND ROCA LLP

By: /s/ Rob Charles (#6593)
Susan M. Freeman, AZ 4199 (pro hac vice)
Rob Charles, NV 6593
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169-5996
Counsel for USACM Liquidating Trust

-and-

DIAMOND MCCARTHY TAYLOR FINLEY & LEE LLP

By: /s/ Eric D. Madden (pro hac vice)
Allan B. Diamond, TX 05801800 (pro hac vice)
William T. Reid, IV, TX 00788817 (pro hac vice)
Eric D. Madden, TX 24013079 (pro hac vice)
1201 Elm Street, 34th Floor
Dallas, Texas 75270
Special Litigation Counsel for USACM Liquidating Trust